

Notice of Allowability

Application No.

10/670,576

Examiner

Jared J. Fureman

Applicant(s)

ZENOU, SHLOMO M.

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 7/8/2005.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Receipt is acknowledged of the amendment, on 7/8/2005, which has been entered in the file. Claims 1-7 are pending.

Allowable Subject Matter

1. Claims 1-7 have been allowed over the prior art of record.
2. The following is an examiner's statement of reasons for allowance: The prior art of record, taken alone or in combination, fails to teach or fairly suggest a point of sale terminal including a key pad located at a bottom location of the housing, a printer located at a top location of the housing, and a recessed socket defined by the housing and located intermediate the key pad and printer, said socket being configured to accommodate a mobile computing/communicating device display therein in an orientation relative to said housing and to said point of sale display wherein said point of sale display and said computing/communicating device display lie generally parallel to each other; in combination with the other claimed limitations as set forth in claim 1.

Applicant's arguments against the Ortiz et al references (see page 6 of the amendment filed on 7/8/2005), have been fully considered and are persuasive. The 102 and 103 rejections in view of Ortiz et al have been withdrawn.

Shimoda et al (US 2004/0245341), Cohen et al (US 6,637,661, cited by applicant) and Hughes (US 5,336,870 all teach point of sale terminals having a housing, a key pad located at the bottom of the housing, and a printer located at the top of the housing. However, these references do not teach a recessed socket intermediate the

keypad and printer, the recessed socket to accommodate a mobile computing communicating device.

Ehrensvar et al (US 6,616,035) teaches a card reader 60 having a socket 62, for accommodating a card, and display 64 (see figure 2). However, Ehrensvar et al does not teach the card reader including a keypad or printer.

Hudd et al (US 2002/0087478) teaches a carriage 28 having a recess for a PDA 14, a card reader 18 and a printer 54 located at the top of the carriage. However, Hudd et al does not teach the carriage having a keypad located at the bottom or a display. Hudd et al teaches the use of a keypad and display on the PDA, rather than a keypad and display on the carriage.

Benton (US 4,454,414) teaches a point of sale terminal 60 including a socket 64 for accommodating a mobile device 20 (see figures 7 and 8). However, Benton does not teach the point of sale terminal including a keypad at the bottom and a printer at the top, or a display. Benton used the display and keypad of the mobile device 20, rather than a keypad and display on the point of sale terminal.

Thus, Ehrensvar et al, Hudd et al, and Benton all fail to teach a key pad located at the bottom of the point of sale, a printer located at the top of the point of sale, and the socket located intermediate the key pad and printer. Even if one of ordinary skill in the art at the time of the invention were to combine a socket for accommodating a mobile device (as suggested by Ehrensvar et al, Hudd et al and Benton) with the point of sale terminals as taught by Shimoda et al, Cohen et al and Hughes, the location of the socket relative to the key pad and printer would merely be a matter of speculation.

Further it should be noted that the location of the keypad at the bottom of a terminal and the printer at the top of the terminal is not inherent. For example, Kumar et al (US 5,489,773, cited by applicant) teaches that the printer may be intermediate the keypad and display (see figure 1).

Furthermore, while the rearrangement of parts may well be within the level of one of ordinary skill in the art at the time of the invention, there must also be a motivation (not based on improper hindsight) to rearrange the components so as to provide the claimed invention. Therefore, while each of the individual components claimed by applicants are taught by the prior art of record, without the benefit of applicant's teachings, there is no motivation for one of ordinary skill in the art at the time of the invention to combine the prior art teachings in a manner so as to create the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

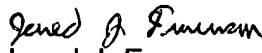
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The teachings of Shimoda et al (US 2004/0245341), Ehrensverd et al (US 6,616,035), Hudd et al (US 2002/0087478), Benton (US 4,454,414) and Hughes et al (US 5,336,870) have been discussed above.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571) 272-2391. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jared J. Fureman
Primary Examiner
Art Unit 2876

September 15, 2005